

#3

**DECLARATION**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ~~BIOSENSORS, REAGENTS AND~~ **DIAGNOSTIC APPLICATIONS OF DIRECTED EVOLUTION** the specification of which    is attached hereto or X was filed on July 31, 2001 as Application No. 09/920,607, and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

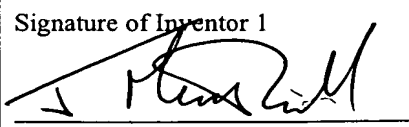
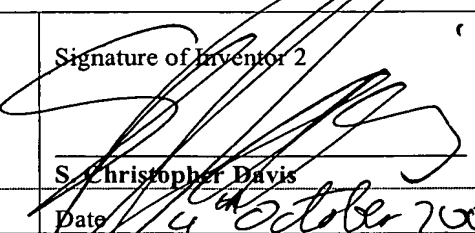
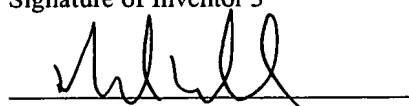
Application No.	Filing Date
60/222,056	July 31, 2000
60/244,764	October 31, 2000

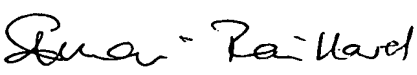
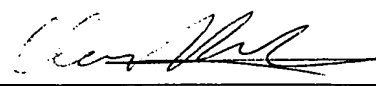
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

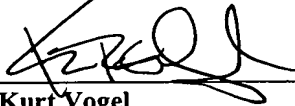
Full Name of Inventor 1:	Full Name: <b>Jeremy Minshull</b>		
Residence & Citizenship:	City: <b>Menlo Park</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United Kingdom</b>
Post Office Address:	Post Office Address: <b>842 Hermosa Way, Menlo Park, CA 940251</b>		
Full Name of Inventor 2:	Full Name: <b>S. Christopher Davis</b>		
Residence & Citizenship:	City: <b>San Francisco</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United Kingdom</b>
Post Office Address:	Post Office Address: <b>118 Church Street #103, San Francisco, CA 94114</b>		
Full Name of Inventor 3:	Full Name: <b>Mark Welch</b>		
Residence & Citizenship:	City: <b>Fremont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>25 Montalban Drive, Fremont, CA 94536</b>		
Full Name of Inventor 4:	Full Name: <b>Sun Ai Raillard</b>		
Residence & Citizenship:	City: <b>Mountain View</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Switzerland</b>
Post Office Address:	Post Office Address: <b>964 Trophy Drive, Mountain View, CA 94043</b>		
Full Name of Inventor 5:	Full Name: <b>Kurt Vogel</b>		
Residence & Citizenship:	City: <b>Palo Alto</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>4151 #D, El Camino Way, Palo Alto, CA 94306</b>		
Full Name of Inventor 6:	Full Name: <b>Claus Krebber</b>		
Residence & Citizenship:	City: <b>Mountain View</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Germany</b>
Post Office Address:	Post Office Address: <b>1935 Rock Street #1, Mountain View, CA 94043</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 	Signature of Inventor 3 
Jeremy Minshull	S. Christopher Davis	Mark Welch
Date 10/15/01	Date 4 <sup>th</sup> October 2001	Date 10/18/01

Signature of Inventor 4  <b>Sun Ai Raillard</b>	Signature of Inventor 5  <b>Kurt Vogel</b>	Signature of Inventor 6  <b>Claus Krebber</b>
Date <b>10/15/01</b>	Date	Date <b>11/5/01</b>

declaration.doc

Signature of Inventor 4  _____	Signature of Inventor 5  _____	Signature of Inventor 6  _____
<b>Sun Ai Raillard</b>	<b>Kurt Vogel</b>	<b>Claus Krebber</b>
Date	Date 11.20.01	Date

declaration.doc

COPY

Attorney Docket No.: 02-106410US  
Client Reference No.: 0178.210US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Jeremy Minshull, of 842 Hermosa Way, Menlo Park, CA 940251, S. Christopher Davis of 18 Church Street #103, San Francisco, CA 94114, Mark Welch of 25 Montalban Drive, Fremont, CA 94536, Sun Ai Raillard, 964 Trophy Drive, Mountain View, CA 94043, Kurt Vogel of 4151 #D El Camino Way Palo Alto, CA 94306, Claus Krebber of 1935 Rock Street #1, Mountain View, CA 94043, of, and of hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:    BIOSENSORS,    REAGENTS    AND  
                          DIAGNOSTIC    APPLICATIONS    OF  
                          DIRECTED EVOLUTION

Filing Date:                            July 31, 2001

Application No.:                        09/920,607                        ; and


WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive, Redwood City, California 94063 United States of America, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

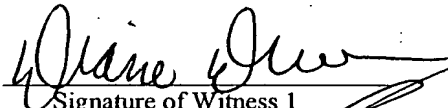
IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 10/15/01

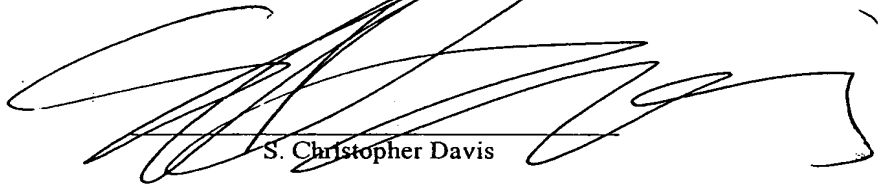
  
\_\_\_\_\_  
Jeremy Minshull

SIGNATURE WITNESSED BY:

(1) Date: 10/15/01

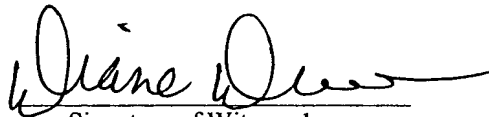
  
\_\_\_\_\_  
Signature of Witness 1

Dated: 4<sup>th</sup> October 2001

  
\_\_\_\_\_  
S. Christopher Davis

SIGNATURE WITNESSED BY:

(1) Date: 10/4/01

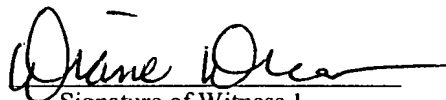
  
\_\_\_\_\_  
Signature of Witness 1

Dated: 10/18/01

  
\_\_\_\_\_  
Mark Welch

SIGNATURE WITNESSED BY:

(1) Date: 10/18/01

  
\_\_\_\_\_  
Signature of Witness 1

Dated: ~~10-15-01~~ 10-15-01 Sun Ai Raillard  
Sun Ai Raillard

SIGNATURE WITNESSED BY:

(1) Date: 10/15/01

[Signature]  
Signature of Witness 1

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kurt Vogel

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 1

Dated: 11/5/01

[Signature]  
Claus Krebber

SIGNATURE WITNESSED BY:

(1) Date: 11/5/01

[Signature]  
Signature of Witness 1

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sun Ai Raillard

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_


\_\_\_\_\_  
Signature of Witness 1

Dated: 11/20/01

  
\_\_\_\_\_  
Kurt Vogel

SIGNATURE WITNESSED BY:

(1) Date: 20 nov 01

  
\_\_\_\_\_  
Signature of Witness 1

Dated: \_\_\_\_\_

\_\_\_\_\_  
Claus Krebber

SIGNATURE WITNESSED BY:

(1) Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness 1



<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT, NOT ACCOMPANYING APPLICATION</b>	Application Number	09/920,607
	Filing Date	July 31, 2001
	First Named Inventor	Jer my Minshull
	Group Art Unit	1642
	Examiner Name	Unassigned
	Attorney Docket Number	02-106410US

I hereby appoint:

Practitioners at Customer Number 22798  
 Type Customer Number Here



AND

Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804
Christopher M. Holman	40,021

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the  
 Applicant.  
 Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

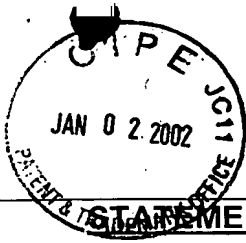
SIGNATURE of Applicant or Assignee of Record

Name	Michael S. Robson
Signature	<i>[Handwritten Signature]</i>
Date	11/6/01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
 Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 11-27-2001

Typed or printed name	Evelyn Gomez
Signature	<i>[Handwritten Signature]</i>
Date	11-27-2001



0178.210US  
PTO/SB/96 (2-98)

Approved for use through 09/30/02000. OMB 0651-0031

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: Jeremy Minshull, et al.  
Application No.: 09/920,607 Filed: July 31, 2001  
Entitled: **BIOSENSORS, REAGENTS AND DIAGNOSTIC APPLICATIONS OF DIRECTED EVOLUTION**  
Maxygen, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.  
OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

- 1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
- 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
- 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/6/01  
Date

Signature

**Michael S. Rabson**  
~~General Counsel~~ Full name  
**And Senior Vice President**  
Title

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